

United States Department of Agriculture

Forest Service

Pacific Southwest Region

Decision Notice

and

Finding of No Significant Impact

Crowley Lake Watershed Grazing Allotment Analysis

Environmental Assessment

Inyo National Forest

**Mammoth, Mono Lake, and White Mountain Ranger Districts
Mono County, CA**

Decision and Rationale

I have reviewed the 2009 Environmental Assessment (EA) for the Crowley Lake Watershed Grazing Allotment Analysis prepared by the Inyo National Forest. It discloses and discusses the environmental effects of two alternatives for managing livestock grazing on the following twelve grazing allotments. These include: Alpers Canyon, Antelope, Casa Diablo, Clark Canyon, Clover Patch, Hot Creek, Long Valley, McGee Creek, Rock Creek, Tobacco Flat, Turner, and Watterson Allotments. The allotments are located east of Mammoth Lakes, California within the Crowley Lake Basin (Mono County, CA). The legal location is as follows: T.2S., R.28E.; T.2S., R.29E.; T.2S., R.30E.; T.3S., R.28E.; T.3S., R.30E.; T.3S., R.31E.; T.4S., R.28E.; T.4S., R.30E.; T.4S., R.31E.; T.5S., R.30E. MDB&M (general location map on page 2 of the EA, and more detailed maps by allotment can be found in Appendix A of the EA).

The 2009 Crowley Lake Watershed Grazing Allotment Analysis EA is available for public review at the Mammoth Ranger District Office, 2500 Highway 203, Mammoth Lakes, California 93546 and the White Mountain Ranger District Office at 798 North Main Street, Bishop, California 93514.

Based on the analysis described in the EA, I have decided to adopt **Alternative 2, Modified Proposed Action**. This decision includes the actions described under Alternative 2 in the EA (pgs. 14-25), with the exception of the watershed improvement projects in the Long Valley, Turner, and Watterson Allotments. A separate decision was made for this action and is documented in a Decision Memo for the Long Valley, Turner, and Watterson Allotments Watershed Improvement Project, dated 07/01/09; implementation of the watershed improvement projects is planned to begin in August, 2009. Implementation of this decision would begin during the 2010 grazing season. I find that the Modified Proposed Action (Alternative 2) best meets the purpose and need to permit livestock grazing in the Crowley Lake Basin while

implementing the management actions that are necessary to achieve healthy ecological conditions. My decision was made after fully considering the physical, biological, economic and social effects of the alternatives analyzed in detail in the Environmental Assessment, the site-specific heritage resources assessment, the noxious weed risk assessment, soils and hydrology effects report, range effects report, biological evaluations (BEs) and biological assessments (BAs) for aquatic and terrestrial wildlife species and sensitive plants, and the management indicator species report.

The following are my reasons for selecting Alternative 2:

- Alternative 2 best meets the purpose of issuing term grazing permits to authorize livestock grazing on the Alpers Canyon, Antelope, Casa Diablo, Clark Canyon, Clover Patch, Hot Creek, Long Valley, Rock Creek, Tobacco Flat, Turner, and Watterson Allotments while implementing the management actions that are necessary to achieve healthy ecological conditions, in accordance with the Inyo National Forest Land and Resource Management Plan (LRMP), and applicable laws, regulations, and policies. Alternative 2 best meets Forest Service policy to continue contributions to the economic and social well being of people by providing opportunities for economic diversity and by promoting stability for communities that depend on range resources for their livelihood (*FSM 2202.1*).
- Alternative 2 applies Standards and Guidelines, including forage utilization levels that are consistent with the Inyo National Forest LRMP Amendment 6 (1995) and the Sierra Nevada Forest Plan Amendment (2004). By implementing these standards and guidelines, Alternative 2 will move the allotments toward desired ecological conditions. Based upon the analysis in the EA, I believe that implementation of Alternative 2 will result in improvements in vegetative and watershed conditions on these allotments, moving them toward desired conditions.
- Alternative 2 will improve hydrologic conditions on the streams that currently are not at “proper functioning condition” and will improve watershed and soil conditions where the watershed condition (key area hydrologic function) was rated as “poor” or “non-functional”. The EA describes the resource protection measures (such as installing exclosure fencing, headcut treatments, and 10% streambank trampling standard) combined with forage utilization limits, which are likely to move streams that are “non-functional” or “functioning at risk” toward the desired “proper functioning condition”, and will result in an improvement in watershed condition. Specific actions to improve watershed conditions would be implemented in Alpers Canyon, Clark Canyon, Clover Patch, and Hot Creek Allotments, as well as through the closure of the McGee Allotment.
- Alternative 2 will maintain or improve habitat conditions and minimize the potential for disturbance to wildlife and fish species, including Lahontan cutthroat trout, Owens tui chub, greater sage grouse, and mule deer. Through maintaining fenced exclosures around potential and occupied habitat for the Lahontan cutthroat trout and Owens tui chub, habitat conditions will be maintained or potentially improved and the potential for disturbance is minimized within the Antelope and Turner Allotments. Adjustments in utilization standards in meadow systems (including meadows outside of key areas) will minimize the potential effects to meadow habitat conditions for sage grouse; and implementing a limited operating period authorizing livestock to graze after June 1 for

allotments that provide breeding habitat for sage grouse will essentially eliminate the potential for disturbance during the breeding season within the Antelope, Clark Canyon, Clover Patch, Hot Creek, Long Valley, Tobacco Flat, Turner, and Watterson Allotments. Alternative 2 would result in improved bitterbrush condition by resting units with severely hedged bitterbrush condition within the Antelope, Hot Creek, and Tobacco Flat Allotments, and reducing the bitterbrush utilization levels across all allotments during late season use.

- Alternative 2 would eliminate or significantly reduce the risk of the potential for disease transmission from domestic sheep to Sierra Nevada bighorn sheep through the closure of the McGee Allotment and through implementation of minimizing measures on the Rock Creek Allotment within the Hilton Unit, Upper Owens Unit, and Lower Owens Unit and the vacancy of the Rock Creek and Highway Units.
- Alternative 2 implements measures to reduce spread and control of existing infestations of noxious weeds by adjusting pasture rotations and implementing direct control efforts within the Casa Diablo, Clark Canyon, and Clover Patch Allotments.
- Heritage resources will be protected by actions taken in Alternative 2, including for example, relocating range improvements and continued monitoring to reduce the potential for adverse affects to cultural resources.
- Alternative 2 addresses the issue of unauthorized ingress into designated wilderness and unsuitable rangeland due to lack of available water sources through the closure of the McGee Allotment.
- Alternative 2 implements a monitoring plan to ensure that grazing activity is implemented as designed, and to determine if the management practices applied have been effective in moving toward or maintaining desired condition and meeting resource objectives. The monitoring plan will provide information to determine if any adjustments are needed to meet the desired conditions and standards and guidelines.

Alternatives Considered

Alternative 1 (No Grazing) – was considered but not selected because it does not meet the purpose to authorize livestock grazing on the allotments within the Crowley Lake Basin in accordance with the Inyo National Forest Land and Resource Management Plan (LRMP), and in compliance with applicable laws, regulations, and policies. Alternative 1 does not meet Congressional intent or Forest Service policy to provide grazing on National Forest lands where grazing is a suitable use, and in compliance with other laws and regulations. It is the Forest Service policy to make forage available to qualified livestock operators from lands suitable for grazing consistent with the Forest LRMP (FSM 2203.1; 36 CFR 222.2(c)).

Public Involvement

The project has been listed in the Inyo National Forest Schedule of Proposed Actions (SOPA) since January 2007. Public scoping and a 30-day comment period was initiated on June 27, 2007 with a legal notice published in the Inyo Register, requesting public comment. The proposed action was sent to 62 interested parties (range allotment permit holders, agency representatives, adjacent property owners, and special interest groups) in a letter dated June 25, 2007. Among these interested parties were 14 representatives of tribal organizations. Two letters were received in response to this request for comments. After analysis of the comments, it was determined that there were no significant issues, however the proposed action required some further clarification to address the comments. A summary of the comments received during public scoping and the initial 30-day comment period and the Forest's responses are provided under section 1.5.2 of the EA (pages 10-12).

A preliminary EA (March 2009) was mailed to interested parties and a legal notice requesting comment on the preliminary EA was published in the Inyo Register on April 2, 2009. Comments were received from two individuals/organizations, both of which were received prior to the end of the 30-day comment period. In response to these comments, some clarification was needed and a few minor changes were made to the EA, including the addition of Appendix B (Table displaying the difference between the existing and proposed utilization levels). Responses to these comments can be found in Appendix C of the EA (attached), and within the project file.

Finding of No Significant Impact

I have determined that this project is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not required. This determination was made considering the following factors:

1. Beneficial and adverse impacts.

Management requirements and resource protection measures designed to reduce the potential for adverse impacts were incorporated into Alternative 2 (ie. standards and guidelines outlined in the Inyo National Forest Land and Resource Management Plan (LRMP; 1988), as amended by Inyo National Forest LRMP Amendment 6, Forestwide Range Utilization Standards (1995), and the Sierra Nevada Forest Plan Amendment (2004). These management requirements and resource protection measures would minimize or eliminate the potential for adverse impacts caused by livestock grazing activities.

All analyses prepared in support of this document considered both beneficial and adverse effects of the modified proposed action; however, beneficial effects were not used to offset or compensate for adverse effects in the analyses. None of the potential effects of Alternative 2 would be significant, even when considered separately from the beneficial effects that occur in conjunction with those effects. (EA pgs. 27-62)

2. The degree to which the Proposed Action affects public health or safety.

None of the alternatives considered would have an effect upon public health and safety. (EA pg. 62)

3. Unique characteristics of the geographic area.

There are no parklands, prime farmlands, wild and scenic rivers, or ecologically critical areas within the project area.

The allotments contain meadows, springs, and riparian features that would classify as wetlands. Based on the environmental analysis completed for hydrology, range, wildlife, and botany, the Modified Proposed Action would not have a significant adverse effect to riparian values. The resource protection standards applied in Alternative 2, including fencing of sensitive sites, reduced forage utilization levels and limitations on the amount of bank disturbance, would ensure a lack of significant effects to wetlands. (EA pgs. 34-41; 49-52; 54-58; 62)

The protection of cultural resources has been incorporated into the Modified Proposed Action, and would follow the stipulations in the Programmatic Agreement (PA) among the USDA, Forest Service, and the Advisory Council on Historic Preservation, Regarding Rangeland Management Activities on National Forest System Lands (June 26, 1995) and the Memorandum of Understanding among the USDA Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and the Nevada State Historic Preservation Officer regarding Rangeland Management Activities, 1996 (MOU) and the Rangeland Heritage Resources Management Activities, Inyo National Forest, California and Nevada, 1997 (INF Supplemental). Details regarding the field surveys and management recommendations for heritage resources sites and features are contained in the Effects Analysis Crowley Lake Basin Range NEPA and Heritage Resource Report (R2006-05-04-01211). All recommendations contained in this report, including the recommended monitoring plan, are incorporated into Alternative 2. Based upon this, it was determined that there would be no effect to cultural resources from implementing this project. (EA pgs. 58-59, 63)

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The proposed project follows the management direction in the Inyo National Forest Land and Resource Management Plan (LRMP; 1988), as amended by Inyo National Forest LRMP Amendment 6, Forestwide Range Utilization Standards (1995), and the Sierra Nevada Forest Plan Amendment (2004). The Modified Proposed Action was developed by comparing existing conditions with desired conditions, and identifying measures that would move the allotments towards desired conditions. Potential adverse effects have been minimized or eliminated to the point where there are few effects to draw controversy. Public involvement efforts did not reveal any significant issues or any other significant controversies regarding environmental effects of this proposal. Based on comments from the public (EA pgs. 10-12 and Appendix C) and the analysis of effects from the ID Team (EA pgs. 27-61), there are not significant effects expected to the quality of the human environment from implementing Alternative 2. (EA pg. 63)

5. Degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The proposed project follows the management direction in the Inyo National Forest Land and Resource Management Plan (LRMP; 1988), as amended by Inyo National Forest LRMP Amendment 6, Forestwide Range Utilization Standards (USDA Forest Service 1995), and the Sierra Nevada Forest Plan Amendment (2004). It implements management requirements designed to reduce the potential for adverse effects, and has incorporated utilization standards for the grazing of domestic livestock that would accelerate the restoration and improvement of degraded range sites and maintain those sites currently in good condition. (EA pg. 63)

Local expertise in implementation of grazing activities minimizes the chance of highly uncertain effects or effects which involve unique or unknown risks. Livestock grazing has occurred in the eastern Sierra for more than a century and on the allotments within the Crowley Lake Watershed Grazing Allotments analysis area for decades. Many of the grazing practices used decades ago are no longer used due to a better understanding of range conditions, the needs of livestock, and effects of grazing on resource values. Rangeland health on the Inyo National Forest has continued to improve overtime. Proposed activities are routine in nature, employing standard practices and protection measures, and their effects are generally well known. (EA pg. 63)

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Implementation of Alternative 2 would not establish a precedent for future actions, nor would it represent a decision in principle about a future consideration for other allotments. Any future decisions would require a site-specific analysis to consider all relevant scientific and site-specific information available at that time. These activities are in accordance with the best available science to manage grazing activities at this time. (EA pg. 64)

7. Whether this action is related to other actions with individually insignificant but cumulatively significant impacts

A cumulative effect is the consequence on the environment that results from the incremental effect of the action when added to the effects of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes the other actions and regardless of land ownership on which the actions occur. A cumulative effects analysis was completed separately for each resource area. None of the resource specialists found the potential for significant adverse cumulative effects. (EA pgs. 41-42, 51-52, 54-61, 64)

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Heritage Resource Report (HRR R2006-05-04-01211) determined that there would be no adverse effect to cultural resources from implementing Alternative 2 with its mitigations and

monitoring requirements. Alternative 2 does not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would it cause loss or destruction of any significant cultural or historical resources. Protection of heritage resources in the area was incorporated into Alternative 2 through such measures as maintaining or reconstructing existing range improvements, constructing new range improvements, and moving existing range improvements. (EA pgs. 58-59, 64)

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

There are three federally listed threatened or endangered wildlife species that are known to occur or have suitable habitat within the project area. These species include: Lahontan cutthroat trout (threatened), Owens tui chub (endangered), and Sierra Nevada bighorn sheep (endangered). There is no critical habitat identified within the analysis area. Based on analysis documented in the Biological Assessments, it was determined that this project would not likely adversely affect individuals or habitat of the Lahontan cutthroat trout, Owens tui chub, and Sierra Nevada bighorn sheep. (EA pgs. 54-56, 64-65)

No federally listed threatened or endangered plant species have potential habitat (including critical habitat) or occur within or adjacent to the project area (EA pgs. 58, 65).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Alternative 2 would not threaten a violation of Federal, State, or local law, or requirements imposed for the protection of the environment. The proposed action is consistent with the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), Endangered Species Act (ESA), Clean Water Act, and the National Historic Preservation Act (NHPA). The Modified Proposed Action is fully consistent with the Inyo National Forest Land and Resource Management Plan (LRMP; 1988), as amended by Inyo National Forest LRMP Amendment 6, Forestwide Range Utilization Standards (1995), and the Sierra Nevada Forest Plan Amendment (2004). (EA pg. 65)

Administrative Review or Appeal Opportunities

This decision is subject to appeal under 36 CFR 215 by those individuals or organizations that submitted comments during the 30-day comment period provided pursuant to 36 CFR 215.6. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer: Jim Upchurch, Forest Supervisor, 351 Pacu Lane, Suite 200, Bishop, CA 93514; fax 760-873-2486. For hand-delivered appeals, office hours are 8:00 AM to 4:30 PM, Monday through Friday, excluding holidays. Emailed appeals must be submitted in plain text (.txt), rich text (.rtf), or Word (.doc) formats to appeals-pacificsouthwest-inyo@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of the notice of decision in the Inyo Register, the newspaper of record. The publication date in the newspaper of record is the exclusive means for calculating the appeal period for this decision. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the length of the appeal period. Appeals received after the 45-day appeal period will not be considered. Only individuals or organizations who submitted substantive comments during the comment period specified under 36 CFR 215.6 may appeal this decision (36 CFR 215.13). The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

Pursuant to 36 CFR 251 Subpart C, the permittees may choose to appeal this decision by submitting a written notice of appeal that meets the content requirements of 36 CFR 251.90. The notice of appeal must be postmarked or received by the Appeal Reviewing Officer within 45 days of the date on this notification letter. The notice of appeal must be filed with: Jim Upchurch, Forest Supervisor, Inyo National Forest, 351 Pacu Lane, Suite 200, Bishop, CA 93514. A copy of the notice of appeal must also be filed simultaneously with: Jon Regelbrugge, District Ranger, Inyo National Forest, Mammoth Ranger District, P.O. Box 148, Mammoth Lakes, CA 93546.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal filing period (36 CFR 215.9).

Contact Information

For further information, contact Jon Regelbrugge, District Ranger, Mammoth Ranger District, 2500 Highway 203 (mailing address is P.O. Box 148), Mammoth Lakes, CA 93546. (760) 924-5553.


JON REGELBRUGGE

District Ranger
Responsible Official


DATE

Appendix C: Response to Comments

Appendix C Crowley Lake Watershed Grazing Allotment Analysis Response to Comments

Legal Notice published in the Inyo Register on April 2, 2009
30-day comment period ended May 4, 2009

Commenter 1:

Los Angeles Department of Water and Power (LADWP): *Comments dated and hand-delivered to Jennifer Ebert at the White Mountain Ranger Station on May 1, 2009.*

Comment 1: Potential for impacts to LADWP lands (i.e. increased grazing pressure on LADWP lands) as a result of changes to current grazing management on NFS lands (i.e. establishing new utilization standards and on/off dates). Particularly as related to the Antelope, Clover Patch, Hot Creek, Rock Creek, Tobacco Flat, and Turner Allotments, which are all components of livestock operations that are based on and utilize LADWP leases either immediately before or after moving onto the USFS grazing allotments.

The difference between the current utilization standards and season of use as compared to that proposed under the modified proposed action is minimal (EA page 41), and is described in Appendix B in the EA. Some units would experience slight decreases in allowable use (such as South Antelope unit, Watterson Canyon unit, and Banner unit), however in some cases, the utilization standards are the same or actually increased (such as Owens River unit, Burn unit, and Lower Owens River unit). The change in utilization for most units is + or – 10%, and in many cases the utilization levels show slight increases during the early season and decreases for the late season and vice versa. The season of use is not expected to change significantly. For example the earliest turn out in the modified proposed action is June 1 for allotments with sage grouse breeding seasons; currently, the Clover Patch, Hot Creek, Tobacco Flat and Turner Allotments all have a Permitted season that starts on June 15. Also, these changes were needed in order to comply with Inyo National Forest Land and Resource Management Plan Amendment 6, Forestwide Range Utilization Standards (Amendment 6). All decisions and management actions must be consistent with Forest Plan Standards.

Comment 2: Maintaining the Rock Creek Unit and the Highway Unit vacant on the Rock Creek Allotment will increase grazing pressure on LADWP's Little Round Valley lease. The closure of the two units will also reduce the amount of flexibility in managing both the adjacent LADWP lease and the remaining four units on the Rock Creek Allotment, which include City properties as well.

The Rock Creek and Highway Units within the Rock Creek Allotment have been rested since 2003 because of wildfire (2002 Birch Fire) and the permittee has adjusted his numbers to compensate. Because of the risk of disease transmission to the federally listed Sierra Nevada bighorn sheep, the Forest Service and USDI Fish and Wildlife Service have coordinated with the permittee on the vacancy of these two units and

minimizing measures to allow continued grazing on the remaining units within the Rock Creek Allotment. The permittee has adjusted his numbers accordingly, and there will be

no additional requirement of city lands than had been required of them in the last 6 years. (EA pgs.21-23, 55, Appendix B; Murphy 2008; USDI Fish and Wildlife Service 2008). These actions were necessary to comply with the Endangered Species Act regarding potential impacts to the federally-listed Sierra Nevada Bighorn Sheep. Also, due to management actions following the Birch Fire, these changes to the permit essentially continue recent practices.

Comment 3: Disagreement in the method for estimating early season utilization levels for upland bunchgrasses and shrubs. LADWP is concerned about the misuses of early season utilization estimates to enforce utilization guidelines.

Many of the allotments use a deferred rotation system of grazing so there is a need for early season standards as triggers to move livestock. Early season standards are designed to allow grasses and grass-like the chance to complete their lifecycles and go to seed and speed the recovery of degraded watersheds. Late season standards are similar to LADWP standards and in some case utilization will exceed existing standards (EA Appendix B).

Comment 4: The proposed implementation monitoring method for browse utilization (EA, page 26) is Woody Species Regeneration and Wood Species use. There is concern that these methods may be qualitative and non-repeatable.

The Forest Service will use Browse utilization methods such as the Cole Browse Method and the Extensive browse methods as describe in Utilization Studies and Residue Measurements Interagency Technical Reference 1996. These methods are consistent with FSH 2209.14, 2.34 "Criteria for Resource Value Rating for Livestock Forage Conditions".

Comment 5: Disagreement in the assumption that bitterbrush forage would be increased by not grazing or through implementation of reduced utilization levels.

Bitterbrush condition was evaluated, and it was determined that bitterbrush conditions were less than desired condition in several of the allotment units. Because of the need to ensure sufficient forage for mule deer (EA page 7 and 11), utilization levels were adjusted to improve bitterbrush condition. Bitterbrush condition would be monitored as part of the Upland Ecological Condition and Trend as described in the Monitoring Plan (EA page 26, Table 14). The Rangeland Management Specialist reviewed the literature and reached the conclusion that there would be improvements in bitterbrush condition from implementation of rest rotation and reducing utilization levels (EA pgs.36-40, Table 27; and Rangeland Management Report pgs. 19 – 21, 25-26, 30, 35, 39-40, 42,47, 49, 51, 57-58, 61-62, and 66-67). This approach is required to comply with direction in Amendment 6 as well.

Comment 6: The no grazing alternative would significantly impact resource conditions on City-owned lands if these use levels were adjusted to compensate for a no grazing alternative on NFS lands.

See Cumulative Effects of No Grazing to Hydrologic Resources under section 3.3.7.5 (EA pgs.53-54), which discloses that the no action alternative “could lead to minor to

moderate, long-term, widespread negative effects to soil and water resources on non-National Forest System lands”, however that is assuming an increase in grazing pressure on non-National Forest System lands, which is not known. It is unknown and difficult to predict if use levels would be adjusted to compensate, and if so to what extent. The selection of the no action alternative would not directly trigger LADWP to modify the existing standards for grazing management on City-owned lands. The conclusion under Cumulative Effects of No Grazing to Range Conditions in section 3.3.6 (EA page 43) discloses that “Permittees with allotments that utilize private, LADWP, or BLM lands in conjunction with or immediately before or after use would require substantial adjustments to their operations. This would most likely result in reducing herd numbers or acquiring alternative lands. The total effect of this is not known as some permittees may be able to adjust better than others. The associated private, LADWP and BLM lands could not absorb the extra AUMs needed if the No Grazing Alternative is chosen.”

Comment 7: The no action alternative would significantly compromise the livelihoods of Mono and Inyo County livestock operators utilizing LADWP lands.

See Socio-Economic Effects under section 3.3.11.2 (EA page 61). While the effects discussion is not specific to livestock operators utilizing LADWP lands, the potential negative economic impact to the livestock operators is disclosed.

Commenter 2:

Dave Wood Ranches: Comment letter dated April 29, 2009 and received by Jennifer Ebert at the White Mountain Ranger Station on May 1, 2009.

Comment 8: Disagreement in the purpose and need statement as related to Laurel Pond: “Troughs placed near Laurel Pond in the Hot Creek Allotment have caused cattle to congregate near the pond, resulting in channelization of the springs and disturbance to waterfowl habitat.”

While the exact cause of the degraded spring channels may have been misstated here, there are degraded channel conditions that need to be addressed. Clarification was made to purpose and need statement in the EA (pg. 8).

Comment 9: Heritage sites cannot be the basis of any management modification because the USFS has provided no information on any heritage sites of concern.

See Heritage Resources Effects under section 3.3.10 (EA pgs. 58-59) for reference to programmatic agreements and MOUs, which stipulates standard procedures for protection of cultural resources. There are sensitive heritage sites throughout the Hot

Creek Allotment; several of which are located in areas of high cattle use (West 2008). The location of heritage sites is confidential, consistent with law and regulation (Ibid.). The Forest Service will coordinate these protection measures with affected permittees.

Comment 10: Clarification is needed on watershed issues within the Hot Creek Allotment.

Watershed issues within the Hot Creek Allotment are described in the Modified Proposed Action Alternative, section 2.4.2 (EA pgs. 18-19) and under Hydrologic Resources, Existing Conditions, section 3.3.7.1 (EA pg. 46; Table 33). In addition, the Amendment 6 Watershed Analysis Field Record forms provide site specific data (project file).

Comment 11: Clarification is needed on what is proposed for “rest rotation” and 10% reduction for “late use” to improve bitterbrush condition.

The rest rotation proposed for the Hot Creek allotments for bitterbrush improvement will totally rest one unit every year (EA pgs. 18- 19, Table 8) until desired conditions as described in the LRMP amendment 6 are achieved. The 10% reduction across the area for late season use on bitterbrush in the Hot Creek allotment set the standard at 30% when units are used last in the rotation. Details on rest rotations schedules will be worked out at annual operating meetings.

Comment 12: Need clarification if there are any meadows within the Hot Creek Allotment that would be affected by the meadow standard (other than Laurel Meadows).

The key areas in Table 8 of the EA (page 19) cover the meadows and adjacent areas in the Hot Creek allotment. However if a meadow is identified that is not covered by the key areas, the standards in Table 2 of the EA (page 15) would apply.

Comment 13: Need clarification on Table 8, “Initial Utilization Levels Specific to Hot Creek Allotment” as it is unclear how this will effect grazing operations.

The rationale for the utilization standards in Table 8 are explained in section 2.4.2 of the EA. The Table 8 standards are similar to the standards that have been part of the grazing permit since 1997 (part 3, utilization standards) and is referenced in the Hot Creek Annual Operating Instructions (AOI). The actual difference between existing standards and the proposed standards are minor in most cases. Appendix B displays the difference between the current utilization levels and those proposed under the modified proposed action.